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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SATNAM SINGH,

Defendant and Appellant.

A128202

(Lake County
Super. Ct. No. CR919264)

Following his plea of no contest to one count of commercial burglary, defendant was sentenced to two years in state prison. Defendant filed a timely notice of appeal based on the sentence or other matters occurring after the plea. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, defendant appeals from the judgment of conviction, asking this court to examine the record to determine if there are any issues deserving of further briefing. Counsel has notified defendant that he can file a supplemental brief with the court. No supplemental brief has been received. Upon review of the record, we conclude no arguable issues are presented for review, and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND¹

On November 19, 2008, defendant attempted to cash a payroll check in the amount of \$788.25 at Foods Etc. in Clearlake. When the store manager contacted the business owner to verify defendant's employment, he was informed the owner did not

¹ Because the present appeal is taken from a no contest plea, we need only concisely recite the facts pertinent to the underlying conviction as necessary to our limited review on appeal. The facts are taken from the probation report.

have an employee by defendant's name. Defendant waited at the check stand for several minutes, but left the store after the clerk failed to return to cash the check. Because the check was drawn on a Citibank account, a Clearlake police officer contacted the bank's branch manager who advised the officer the check was fraudulent.

An information was filed on September 18, 2009, charging defendant with one count of commercial burglary (Pen. Code,² § 459, subd. (b); count I), one count of possession of a completed check with the intent to defraud (§ 475, subd. (c); count II), and one count of issuing a fictitious check (§ 476; count III).

Pursuant to a negotiated disposition, on November 16, 2009, defendant pleaded no contest to count I, commercial burglary, in exchange for dismissal of the other charges and the district attorney's promise not to file charges based on other unrelated incidents occurring at a different market.

On March 29, 2010, defendant was sentenced to the midterm of two years, as well as other fines and assessments. He received custody credits totaling 94 days.

DISCUSSION

We have reviewed the record on appeal. By entering a plea of no contest in this matter, defendant admitted the sufficiency of the evidence establishing the crime and therefore is not entitled to review of any issue going to the question of his guilt. (*People v. Hunter* (2002) 100 Cal.App.4th 37, 42.) Without a certificate of probable cause defendant cannot contest the validity of the plea. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(4)(B).) Defendant did not obtain a certificate of probable cause.

Defendant was represented by counsel throughout the proceedings. We find no indication in the record of ineffective assistance of counsel.

² All statutory references are to the Penal Code unless otherwise indicated.

We find no meritorious sentencing issues requiring reversal of the judgment.
There are no issues requiring further briefing. The judgment is affirmed.

Margulies, Acting P.J.

We concur:

Dondero, J.

Banke, J.